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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/715,278 | 11/17/2003 | Ran J. Flam | sparta01.019 | 4594 |

25247 7590 03/30/2006

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| EXAMINER |
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CRIBBS, MALCOLM D

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| ART UNIT | PAPER NUMBER |
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2115

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/715,278 | Applicant(s) FLAM ET AL. | |
| | Examiner Malcolm D. Cribbs | Art Unit 2115 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12/28/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. **Claims 1-26 are presented for examination.**

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4, 7-9, 11, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants Admitted Prior Art [AAPA] in view of Gere [US Patent No. 7,000,229].

4. As per claim 1, AAPA teach the invention, comprising:
making second configuration tables [Page 4 lines 7-9]; and
using the second configuration tables to modify the first configuration tables [Page 4 lines 7-9].

5. AAPA do not teach the method of determining whether the first configuration tables have changed. Specifically, AAPA teach the method of keeping the system going while transitioning from one system to another wherein the changes made during this transition are lost. However, AAPA fails to detail the method of determining

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whether the first system have changed while the transitioning is taking place. A routineer in the art would have been motivated to look for a teaching for the possible retaining of changes made during a transition from one system to another.

6. Gere teaches another method of transitioning from one system to another while allowing the system to keep going during this time. When a transition takes place, a copy of the old system is compared to determine if any changes were made during transition; thereafter, it is determined whether to discard or keep the changes detected [Col 6 lines 14-18]. In summary, Gere teaches a method of saving changes made during a system transition instead of losing any changes that are made.

7. It would have been obvious to one of ordinary skill in the art to combine the teachings of AAPA and Gere, which are analogous art, because they both teach a method of transitioning from one system to another while keeping the system going. Gere covers the deficiency of AAPA by teaching the detail of having the option to save or discard any changes made during the system transition.

8. As per claim 4, AAPA teaches the invention of making and modifying a copy [Page 4 lines 7-9].

9. As per claims 7-9, it is obvious to one of ordinary skill in the art as proposed by AAPA [Page 3 lines 15-21 and Page 4 lines 7-14].

10. As per claim 11, AAPA teaches the invention of modifying the first tables with the second while it is obvious to modify data tables in various ways including record by record [Page 4 lines 7-9].

11. As per claim 17, AAPA teaches the invention of including configuration tracking tables Page 3 lines 15-29].

12. Claims 2, 3, 5, 6, 10, 12-16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Gere [US Patent No. 7,000,229] as applied to claim 1 above, and further in view of Dennis [US Patent No. 6,792,556].

13. AAPA and Gere do not teach the method of making a snapshot of the first system to determine if the system has changed. Specifically, Gere teach the method of copying the first system to determine if a change has been made; and optionally discarding or retaining the changes accordingly. However, Gere fails to detail the method of querying the user to specify whether to keep the changes or proceed with the copy. A routineer in the art would have been motivated to look for a teaching for the possible method of prompting a user to determine which process to follow.

14. Dennis teaches another method of determining whether the copy still defines the current system. Dennis teaches a method of making a snapshot of the current system

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wherein it is determined whether the current system still matches the snapshot. When there is a change to the current system, the user is prompted that there has been a change and to input a decision to run the current modified system or to run the copy [Col 9 lines 44-47 and Col 10 lines 21-28].

15. It would have been obvious to one of ordinary skill in the art to combine the teachings of Gere and Dennis, which are analogous art, because they both teach a method of determining whether changes have been made to a first system using a previously made copy. Dennis covers the deficiency of Gere by teaching the detail of prompting a user to determine whether to use the first system that has currently changed or to use the snapshot.

16. As per claims 19-25, it is directed to the apparatus to implement the method of steps as set forth in claims 1-18. Therefore, it is rejected for the same basis as set forth hereinabove.

17. As per claim 26, it is directed to a storage device to implement the method of steps as set forth in claims 1-18. Therefore, it is rejected for the same basis as set forth hereinabove.

Conclusion

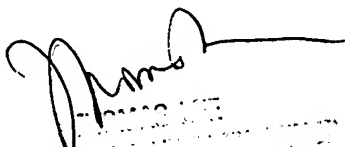
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Malcolm D. Cribbs whose telephone number is 571-272-5689. The examiner can normally be reached on M-F 8AM-430PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Malcolm D Cribbs
Examiner
Art Unit 2115

March 21, 2006



March 21, 2006
Examiner
Art Unit 2115